## DEPARTMENT OF THE AIR FORCE



**WASHINGTON DC 20330-1080** 

29 April 2002

MEMORANDUM FOR SEE DISTRIBUTION

FROM: SAF/IAPX

1080 Air Force Pentagon Washington, DC 20330-1080

SUBJECT: Release of Technical Data (SAF/IAPX 02020)

This policy memorandum will establish guidelines for the release of "technical data" in conjunction with Foreign Military Sales Programs. "Technical data" may include but is not limited to, technical manuals, technical orders, product safety notices, flight manuals, and tactical manuals.

As cited in DoD 5105.38M, Security Assistance Management Manual (SAMM), Chapter 5, Technology Transfer, Classified Military Information and Security and Chapter 14, Section 1401, Technology Programs, it is DoD policy to treat defense-related technology as a valuable and limited national security resource. Defense articles and services, including USG "defense information" as defined in Section 644(e) of the FAA, can only be provided in accordance with provisions of the Arms Export Control Act (AECA). The International Traffic in Arms Regulation (ITAR) (22 CFR 120-130) defines "technical data" for purposes of export control.

Country directors, and action officers will advise foreign representatives to pursue technical data through FMS (USG owned data) or commercial channels (privately owned data) prior to a potential FMS program, if necessary. The normal method for foreign air forces to obtain USAF TOs is through an FMS letter of offer and acceptance (LOA). As part of the "Total Package Concept" technical data is included in the sale of defense articles/services for approved country programs. An FMS case allows customers to make one-time orders for TOs as well as to be placed on automatic distribution for revisions/ supplements/changes. Releasability of the data must be considered in the same manner as other potentially sensitive parts of the program.

In summary, the release of "technical data" to a foreign customer requires an LOA or export license. An LOA will cover the full cost for preparation, reproduction, and handling of technical data furnished under SA programs.

SAF/IAPX POC for this matter is Ms. Sandy Harding, DSN: 425-8974, COMM (703) 588-8974, email: <a href="mailto:sandy.harding@pentagon.af.mi">sandy.harding@pentagon.af.mi</a>

//signed//29 April 2002

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